MINUTES OF A PUBLIC HEARING
TO DISCUSS PROPOSED REVISIONS TO CHARTER

Tuesday, August 10, 2010 – 7:00 p.m.
Mayfield Village Civic Hall

The Council of Mayfield Village met with the public at an open meeting on Tuesday, August 10, 2010 at 7:00 p.m. in Mayfield Village Civic Hall.

Present: Mr. Buckholtz, Mrs. Cinco, Mr. Marrie, Mr. Marquardt, Mrs. Mills, Dr. Parker and Mr. Saponaro

Also Present: Mayor Rinker and Mr. Diemert

Council President Buckholtz welcomed the audience and also welcomed them to attend Council meetings. Council meets the first and third Mondays of the month.

Council President Buckholtz called the meeting to order. In the spirit of things, as all meetings are started, Council President Buckholtz began the meeting with the Pledge of Allegiance to the Flag.

Council President Buckholtz turned the meeting over to the Law Director.

. **Comments by Law Director Joseph W. Diemert, Jr.**

Mr. Diemert introduced himself. I have been the Law Director for over 20 years, happily working for the citizens of the Village.

Mr. Diemert began by saying that contrary to the misinformation that may have been out there already on this issue, no one is voting on changing anyone's rights to vote in this Village. Council is not voting on that. They haven't voted on that. They will not vote on it. Everyone's rights are going to remain the same from here and into November when you have a chance to vote on the issues that will be on the ballot for the voters to decide on.

The Mayor and Council wanted to have this public hearing because our Constitution, which is called the Charter, requires certain items to be on the ballot for the voters whenever the Commission who are citizens from among you who will make a decision after reviewing the Charter over a five-month period and listening to citizens, listening to department heads, listening to the Boards and the Commissions, makes certain recommendations for changes. Tonight's discussion is merely the Administration and Council's opportunity for the public to come and debate or discuss the pros and cons of what is going to be on the ballot. Whatever is said tonight will not result in a change in what's going on the ballot. Your Constitution requires

it to go on the ballot. So this November you will all have a chance to make a decision on that which you are discussing tonight.

We are all here to answer your questions as best we can on those issues that will be on the ballot. As the Mayor and Council President Buckholtz has indicated, the meeting will be open. We will hear your discussions. We will try and answer your questions. The meeting will be closed. No vote will be taken. No vote will be taken to change anyone's rights until November when the voters have a chance to do that.

That being said, I have a meeting with the Charter Review Commission every five years in this community. That has been going on since 1974 with my predecessors in this position.

Your first Charter was adopted in 1974. To give you a little background, like I do to each Charter Review Commission, I would like to explain a little bit of Civics which you may have lost grasp of over the years because it's 6th grade Civics.

Back in the beginning of the United States when we were first formed, the colonies or individual States formed together to make a union. That union was called the United States. They wanted to preserve the rights of the individuals in each State by what they call a Constitution. The Constitution of the United States creates certain rights inalienable to every individual in the country and to every individual in Mayfield Village.

As the State's rights began to develop, some States wanted to do certain things and others didn't. The Federal Government would usually be the arbiter of what was the basic fundamental rights of all Federal citizens of the United States. When the Federal Government did something, it had to be followed. The States could have their own individual Constitution, their own governments, but they could not contradict whatever the Federal Government had in their Constitution or in the Federal statutes.

As you all know, it went through the Civil War where that issue was fought, and bitterly fought in the worst War this country has ever been involved in. In the Civil War, the Union, or the Federal Government, prevailed over individual States' rights to do whatever they wanted to do. That being resolved in 1865, we have now lived under the government where the United States Constitution is the prevailing dogma as to all of our individual rights. All of the States accepted that from that point forward and that's the way we have been living.

Ohio became a State in the United States. They adopted their own Constitution. In their Constitution, they have a Governor and a State legislature. In the beginning, they had what was called a County and Township Government. The State was divided up into counties and townships. All laws were adopted by the State legislature. The State Capitol would dictate how you would farm, how you would build, how you would police, how you would put out fires. It was all dictated from the central government of the State of Ohio.

In the late 1800's, the industrial revolution, the State of Ohio, like many other states, began to experience difficulty between the industrial and the rural areas of their states. Places like

Cleveland, Cincinnati, Toledo, Sandusky, became very populated. The very populated people working the factories were finding themselves working with Codes of the State of Ohio which really didn't help them in the way of planning, building, living, child labor, and in the way of all individual rights that the State of Ohio was trying to protect.

As a result, the citizens of Ohio circulated petitions and ended up having a Constitutional Convention in 1912. In 1912, they amended the State of Ohio Constitution to allow individual communities within the State to adopt their own Constitutions which is what we call our Charter. It allowed the individual cities in geographically defined areas to do that for one reason, to try and make living conditions on a local level adaptable on the basis of changes in conditions. So, if you were in an individual area, people lived close together and they were very close to the factories and had children working at 8 or 9 years old, they wanted the individual cities to be able to control the zoning and have their own police powers in order to make life a livable place in the industrial areas of the State. The rural folks felt they would like to control it the way they wanted to control it so they could set up their own individual cities or villages.

After that amendment was adopted in 1912, the thing that you hear about most is Home Rule. So all of the individual communities who wanted to have their own individual Constitution and govern themselves exercised their right of Home Rule, put together a Charter Review Commission and adopted a Charter. They defined their geography. They came up with a name. They came up with a form of government. Either a strong Mayor, strong Council, City Manager, several forms that were available to them.

Once they did that in the State of Ohio and Home Rule now was being exercised, first in the major cities, you all have seen there are still townships left. Well what are townships? They are leftover from before 1912. They are the leftovers who did not choose to have a charter. Therefore they do not have anything other than Trustees governing them. They don't have a Mayor. They don't have a Council. They may have their own police force but they still have to follow State laws. They have no local codes or ordinances and they do not have a local charter. Therefore, the changes in the Code do not go to the people to vote on when they amend their charter because they don't have a charter.

That has worked pretty well. There have been a lot of Court actions on what is a Home Rule right and what is not a Home Rule right. You have recently read in the paper about the residency fight in the State of Ohio – can a community require its employees to live in that city? There was a battle between the cities who want to do that and the State legislature who said that is not fair, we are adopting a law that applies to everyone in this State. That's called a prevailing right, when the government of the State of Ohio says we are exercising a State-wide right that has a general protection involved in it and a general interest in it. What are some other examples of that? Collective bargaining, minimum wage, Workers' Comp, sick leave, other things like those kinds of general things the citizens in the State want to protect.

What does the Federal government have that no one can go against? Well, there's age discrimination which the Federal government prohibits, there's religious discrimination, there's race discrimination, there's First Amendment rights. The Federal government has adopted a

whole bunch of laws to protect our citizens. No one can change that. This Council can't. The Mayor can't. The Law Director can't. The police can't. Those are rights that every citizens in the U.S. has. State government cannot go against those. The State government has certain government that we as individuals in Mayfield Village can't go against.

So, lo and behold, this community which is now called Mayfield Village, in 1974, carved out its geographical boundaries and separated from what was then Mayfield Township. Mayfield Township then was reduced by the size of Mayfield Village. You seceded from the union of the Township and you became Mayfield Village, a chartered government with your own Mayor, your own Council, your own laws, and your own government. That's the way it's been since 1974.

The original voters in this community adopted the Charter that you lived under and that you live under today. And one of the provisions they have in that Charter is that every five years citizens need to be appointed from among the residents' electors in this community who will get together and within five months study the Charter from beginning to end. The Charter is pretty thin. It's not a big document, about the size of the Constitution of the United States. It's really not a big document but the words are very important. Why are they important? Because we all take an oath of office, just like we saluted the flag to protect our nation, we all took an oath of office to protect this Charter. No one can go against it. No one can violate it. So when the Charter says the Charter Review Commission must review the Charter and make recommendations for changes and it shall go on the ballot, that is a Constitutional requirement that we can't stop. It must go forward and it will go forward in November of this year.

The other provisions in this Charter, many of which have been changed over the years, are meant to be reviewed and changed for a specific reason, just like our government was created from the United States going forward. We are a patchwork of individual thoughts, Court decisions, new laws that come together to represent the current population the way we are today. We never had a Department of Homeland Security. Why do we have that? Because of circumstances that occurred. We never had an EPA. Why did that happen? Because of circumstances that occurred over time. So the Federal government makes changes to adapt to current conditions. The State of Ohio makes changes to adapt to current situations. Mayfield Village must adapt to current situations by modifying its Charter from time to time as recommended by its citizens, approved by its citizens and implemented by us the Administration and the Council.

That being said, on February 1st, we swore in your Charter Review Commission, gave them the same little spiel I gave you tonight, told them to go forward and do your job to make sure that our Charter is current and relevant to today's needs in this society. They did that. They did it deliberately and very efficiently. They met on numerous occasions. They invited the public. They invited government officials. They invited employees. They invited everyone to come and give their thought process on our Charter and what needed to be changed in our day-to-day working relationships with other citizens and businesses in this community.

In the process of doing that, they read every single sentence in the Charter. They examined it. They made their recommendations at the end of the five-month period. Those have resulted in

the Ordinances which are now before Council. The reason it has to come to Council for them to pass it is to make sure the language is what the Charter Review Commission suggested, make sure the language is not contradictory to the Ohio Constitution, make sure it is not contradictory to the United States Constitution, and to pass it on within a limited time period and get it to the Board of Elections before September 2nd so that it can appear on the ballot on November 2nd.

After Council pushes this on to the Board of Elections, a copy of the proposed amendments will go to every citizen in the community. Every elector will get a copy in the mail. It will be published in the newspaper. We will try every possible way to get folks aware of what the proposed changes are. The Mayor and Council suggesting this public hearing is the first time that we are opening it up to the public other than the Charter Review Commission doing it during the course of their study, inviting anyone who had any comments.

The proposed amendments will be published twice in the newspaper 30 days before and 15 days before. They will be sent to all residents at least 30 days before the election.

That's basically the background as to how the Charter Review Commission comes to do their job on your behalf. I will summarize briefly what the particular Ordinances are that they are recommending for change.

These Ordinance numbers are not what the ballot numbers will be. Once we send this to the Board of Elections, the Board of Elections will put an Issue number on each of these questions. I do not know what those numbers will be. The Board of Elections will probably not publish those until September sometime where they will put a number on it and then we will know what those numbers are and it will be called Issue 1, 2, 3 4 or Issue 19, 20, 21, 22. We just don't know yet. Once we do, those Issue numbers will be published and made known to the residents.

1. <u>ORDINANCE NO. 2010-22</u>

   This amendment is proposing that the definitions and the gender and grammar throughout the Charter be modified.

   What does that mean? It means throughout the Charter that originally was adopted in 1974, we referred to "policemen"; we said "he" everywhere throughout the Charter; we said "him" in most places throughout the Charter; and we kind of left out the possibility that it might apply to a she or to a patrolperson. The Commission thought the gender throughout the Charter should be corrected to be more current with the way we talk these days. As a result, they have recommended that the Charter be amended to correct all of those gender areas, and clarify some of the definitions and grammatical mistakes that they found throughout the Charter. The English teacher that happened to be among us this time pointed out the important things that need to be corrected. As a result, we are making those kinds of corrections.

   So, that's more of just a housekeeping-type of correction.

2. ORDINANCE NO. 2010-23

Referring to Council vacancies.

This is a little more than just a cleaning-house type of proposal. In the very beginning since 1974 until amended after that, if there was a vacancy on Council, someone got sick, moved out of town, or resigned for any reason, the Charter back then said that the Mayor and the Council would make the decision on the replacement person. The Council would have 30 days to do it. If they didn't do it within 30 days, then the Mayor would do it.

That position was changed by one of the Charter Review Commissions over 20 years ago. This change said that if there were two people or more on the ballot running for a Council seat and within the first two years of their term a person resigned and a vacancy occurred, then the Council had to appoint someone to that vacancy who was the next highest vote-getter at the last election.

We have learned from what we have seen around the country that voters often turn down the guy who didn't get enough votes for very good reasons. As a result, if you are forced to put that person in the vacancy, you may be doing the Village a disservice. We have found that that has been happening around the country where they had similar types of Charter language.

As a result, the Charter Review Commission, making that study, doing that research, recommended that the Council who you did elect be responsible for appointing a good candidate who is now interested, not a year or two later, and who has no baggage and who was not rejected by the voters, let the Council who the voters now have elected be responsible to make that decision. If they don't make the correct decision, you can take care of them at the next election. If Council does not come to a majority on that, the Mayor will make that decision, again an elected official who has to be responsible to the voters to make a good choice.

The Charter Review Commission did recommend that we leave in there the fact that the Council and the Mayor should consider those who ran for the office and give them some consideration, but it doesn't matter that they be appointed to the vacancy.

3. ORDINANCE NO. 2010-24

This amendment refers to referendum zoning.

This again is a more substantive recommendation for changes. It involves several sections of the Charter. A little history is necessary here to.

Going back to 1974 when your first Charter came into effect, the founding fathers said that the Mayor and Council will introduce legislation to change zoning. That zoning will then be referred to the Planning Commission who must have public hearings, who must study it for at least 30 days, must make recommendations then to Council for or against the proposed rezoning. Council then had to have public hearings, public debates, and then they had to read it at least three times which spreads out over a number of weeks, give the public an opportunity to be heard again and then make a decision whether the zoning of the land should be changed, yes or no. Council made that decision.

The voters had the right in another part of the Charter which existed in 1974 and still exists, if they didn't like the decision of Council, they could do what was called a referendum. That is, they can circulate a petition within 30 days after the ordinance was adopted. If that petition was submitted to Council within the 30 days with a sufficient number of signatures, the ordinance did not become law until it was voted on by the people. That is still in the Charter and no one is proposing to change that.

That was the way it was in 1974. Come the 80's, there was a trend going around the country where zoning was occurring more frequently that the public did not like. As a result, there were charter amendments being made that required rezoning to go to the voters before the land could be rezoned. In other words, besides Planning Commission, besides Council making these public hearings and making their decision, once they made the decision that they were in favor of it, it then had to go on to the ballot at the next primary or general election. The voters then would make a decision whether or not to approve the rezoning or to reject the rezoning. That's been in the Charter since the late 80's in Mayfield Village. It was adopted in other communities at different times.

One of the handouts you might have or information we do have is that there's a wide variety of people that do and don't have it. For instance the surrounding communities around here that do not have referendum zoning is: Chagrin Falls, Cleveland Heights, Garfield Heights, Highland Heights, Independence, Kirtland Hills, Mayfield Heights, Mentor, Richmond Heights, Rocky River, Shaker, Strongsville and Waite Hill. Those around us who do have it are: Lyndhurst, Eastlake, Moreland Hills, Orange, Pepper Pike, Solon and Willoughby Hills. There is a balance of some who do and some who don't.

What has happened since the '80's that the Charter Review Commission took into account is that if a land is situated in a certain location and has a certain use assigned to it, the ultimate avenue that a property owner has if you do not allow them to use the land according to its highest and best use, they go to court. When

they go to court, they have the court rezone the land to what is the highest and best use appropriate in that community, regardless of what your zoning says. That has been happening more and more around the country.

Because of that kind of litigation, what happens is the taxpayers have been losing money. I do not know if anyone remembers the *Costco* case in Mayfield Heights. The City fought the rezoning of that Costco property which we all go to now. It was zoned residential. The City fought it and fought it and fought it and they ended up losing multi-millions of dollars for wrongfully withholding the rezoning of that land. Why was that? The Court said that because of the location, the best use of that property was not residential. It was in a situation where it was better used for what the property owner was proposing it to be used for.

We in our field of municipal law often hear property owners come in and say, hey, what happened to the constitutional concept that a man's home and his property is his castle and he can do whatever he wants with it? Well, you know, that isn't the case. You can't do whatever you want on your property. We do have zoning laws. But we did at one time have that concept that when you own a piece of property, you should be able to use it to its highest and best use. The government and the courts have upheld reasonable restrictions on that, but it has become so much a matter of legal balancing that the communities are starting to get away from the citizens having to vote on every single rezoning issue or any change in use of property.

It has become a little more sophisticated. We at the Village have professional planners now who do nothing but study zoning in surrounding areas and what's the best use, the worst use, the most favorable use. The Planning Commission draws on them. Council draws on them. Whenever an applicant comes in, we require architectural planners and all kinds of different things to be done. When that is finally studied and a decision is finally made, then it goes to the voters.

Now times have changed in another way. Because of difficult zoning issues and they have to go to the voters to get approval, developers who may be interested in starting new businesses are saying, which one of these cities is close to 271 but doesn't have referendum zoning? That's what they are doing. We want to go in and be able to propose our beautiful facility and get approval without having to go out and run a campaign door-to-door, get pamphlets and do all that all the way around.

That's the pros and cons of referendum zoning and why the Charter Review Commission said, you know what, maybe the people who are elected – the public is going to have a chance to comment and question – these are the reasons behind the Charter Review's decision and recommendations and why it is going to be on the ballot that I am suggesting to you. That's the basis for the referendum suggestion.

What this ordinance would do is let the final decision on whether or not property should be rezoned in the hands of the Planning Commission after public hearings, advertising and debating and recommendations to Council, Council having public hearings, mandatory three readings on the ordinance and then a vote of the Council and when Council makes their decision, the public still has the right to circulate petitions within 30 days to call for a referendum and put it on the ballot even if Council voted for it. If no such petitions were circulated, then Council's decision would become final.

If Council felt in the course of their public hearings that it is was a little controversial, that it was an area very sensitive, that it was something that maybe the public should make a decision on, the recommendations of the Charter Review Commission say that Council can then, as an option, send it to the voters and let the voters make the final decision on whether or not the property should be rezoned or the use changed.

It seems to be a recommendation to get current with current times. Whatever was going on in the 80's is no longer a threat to the citizens of the Village of Mayfield, to eliminate court battles, to eliminate the shying away of businesses from this community because they may have to get referendum zoning. Those are the reasons behind why they wanted to have it. The only bad part of it is that some citizens feel like it's a little harder now for them to get this on the ballot or it's a little harder for them to get a chance to have a say so. On the other hand, the public is fully included in the process, so they felt there was enough protection in that situation.

4. <u>ORDINANCE NO. 2010-25</u>

The Mayor's absence from the community.

This has been in there since 1974. What it called for before is when the Mayor is absent from the municipality or for any reason is unable to perform his duties, the President of Council shall become the Acting Mayor.

In 1974, we did not have horse and buggies, but still most of the mayors were close at hand. They didn't have cellphones and fax machines and e-mails as sophisticated as they were back then. A Mayor can actually be absent from Mayfield Village and still run the community by reason of the fact that he is in South Euclid or Mayfield Heights or Gates Mills or anywhere else. He is not unable to do his job. It seemed like this is out of date at this point where his absence from the municipality automatically brings in the President of Council. Because why? If the Mayor doesn't work in the Village and the President of

Council does not work in the Village, who's in charge during the daytime when they are both at work? It becomes a little bit tricky and difficult.

As a result, the Charter Review Commission is recommending that we take out those words "when the Mayor is absent from the municipality" and merely say that "when the Mayor for any reason is unable to perform the duties of Mayor, then the President of Council shall come in". That could be health-wise, it could be absentee-wise. It could be any reason. The Council makes that final decision as to whether or not he is unable to perform his duties.

5. ORDINANCE NO. 2010-26

This proposal speaks about ordinances not subject to referendum.

This one is a little difficult to explain. It really is not a substantive change in the Charter. It's merely a cleaning up of the language actually and clarifying what the intent is behind this Article VII, Section 5. This particular Section of the Charter had a section in it that said "Ordinances or resolutions submitted to the Council by initiative petition and passed by the Council either with or without change but not required to be submitted to a vote of the electorate shall be subject to referendum in the same manner as other ordinances or resolutions."

Did you all follow that? Most people can't. What that section is really saying is because it is under matters subject to referendum, is that an initiative petition submitted by the voters was not subject to referendum by another group of voters who wouldn't want that item to go on to the ballot.

It gets very confusing. In fact, if you were to circulate a petition and you wanted to have an ordinance adopted as the public and this Council didn't want to do it, you have the right to do it. Once you circulate that initiative petition and you have enough signatures, it will go on the ballot. Council, like the Charter Review Commission recommendations, has no choice. They must put it on the ballot. The voters then will get to decide whether that ordinance becomes law or not. We didn't want to confuse the fact as to whether or not there's a referendum right to stop an initiative petition. That just wouldn't make appropriate sense.

What does make sense is something like the police station. At least 15 ordinances are required to make a public improvement. The widening of SOM Center probably involved 50 different ordinances. The building of the Fire Station, the purchase of the Church, all involved multiple, multiple ordinances. The beginning ordinances are those called resolutions of necessity or ordinances to proceed with the project.

> What this is saying is only the first ordinances are subject to a referendum of the voters. Why is that? Well, if you don't like the idea of building a police station, when this Council passed an ordinance to proceed with the building of the police station, that was when the citizens should uprise, circulate their petitions and put that on the ballot. If they don't do it, the next ordinances are going to be to advertise for bids, to enter into contracts and to get multiple permits going from the State, the EPA, all of which require ordinances. Once you enter into contracts, once you authorize a contract, once you appropriate money, to do a referendum on those subsequent ordinances would be illegal because you have already committed to somebody to do something.
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> So, to have a referendum on only one aspect of a project for a capital improvement makes no sense. It would be illegal. It would be entangled in legal process. The Charter was adopted in the very beginning by the founding fathers to limit the right of referendum to protect it on those types of issues. That's all this amendment is doing, is clarifying that public improvements which have multiple ordinances, you can only do referendum on the first ordinance on that. That's what that one is all about.

That is all of the proposed amendments. This meeting is meant to discuss just those. These are the ones that the Charter Review Commission has mandated to go on to the ballot. They will go on the ballot. It's not a matter of us debating whether they should or shouldn't, it's a matter of debating the merits of each of the ordinances and making a decision at the voting booth in November when you have the opportunity to exercise your right.

Council President Buckholtz thanked Mr. Diemert. He does not remember much of what he learned in Civics in 6th grade, but he wishes Mr. Diemert was there to teach him this. He is glad to have learned it tonight.

The audience applauded.

. **Public Portion of Hearing**

Council President Buckholtz stated before we proceed, I would like to take a moment to explain the process. We usually bring this up at all meetings, so it's nothing special for tonight. It's just a reminder of a few issues of decorum. We ask each person that would like to speak to come up to the podium and give their name and address so we can get it into the record. You will have 3-5 minutes to speak. We would like to limit that so everybody gets a chance to be heard. One of the things that we find often happens in these situations, if multiple people have the same point of view, it would be nice if you could just stand up and be recognized. When someone makes a comment you could raise your hand and stand up and say I would like to just add my name and address to that comment. That way you are on the record as supporting that viewpoint without

coming all the way to the podium necessarily and trying to articulate the exact same thing that we have just heard.

The way that public forums work is you are actually speaking directly to this Council and the Mayor and the Law Director. We ask that you don't really engage in private conversations. If you want to comment on something that someone has just said or said earlier, you are welcome to do so through the Chair, that would be me, and we can get a dialogue or discussion going with any of the Councilpeople.

We keep these rules pretty loose, but still it's important that we keep some decorum so we don't lose sight of the issue and we keep an eye on the clock just in terms of being reasonable. That's everything I wanted to cover.

I hope everyone has paid attention to the Law Director's explanation that what we are here tonight, the actual business of what has transpired is all per Charter. Everything can always be changed per vote, but we work with the Charter that we have and the work that they have done and we treat it very seriously.

In just a starting point, I know that there is one person that, if anybody wants to select somebody to speak for them, or for a group of people, there is someone in the audience, Brenda, do you want to come up?, who can kind of kick things off. She has been working with a group of residents. She can begin. After that, everybody just raise their hand if they want to speak. Thank you.

Brenda Bodnar
Bonnieview Road

Council President Buckholtz, Mayor Rinker and Law Director Diemert, Members of Council, Members of the Charter Committee who are here this evening, and friends and neighbors of the Village, thank you for the opportunity to speak tonight.

I live on Bonnieview Road in the Village. I have been a practicing attorney in Ohio for about 26 years now. I have been working with a group of concerned citizens who oppose some of the Charter amendments that were discussed this evening. I would like to go through some of those with a little bit of detail. I apologize to those to whom my back is turned. I was not aware that that was what the format would be. I am also warning you that I am not as eloquent as our Law Director Mr. Diemert.

I would like to point out tonight and I do not recall that it was earlier pointed out, but I believe it's the case that the members of the Charter Commission were not elected by the voters but were appointed by the Mayor and members of City Council. It's something you may want to keep in mind.

The two Charter amendments that concern us are the one dealing with zoning and also the one dealing with measures subject to referendum.

Article III, Section 12 and 13 of the current Charter are those that deal with zoning. Under Article III, Section 12 of the current Charter, any amendment or repeal of existing zoning and that would include a planning ordinance, a zoning map of the Village, zoning or use classifications of districts, building height restrictions, the size of parcels in zoning or use classifications and the percentage of lot occupancy, so any amendment or an appeal to that kind of existing zoning which has been approved by the Council shall be submitted to a vote of the electors of the Municipality, that's you and me, shall become effective only upon approval thereof by the electors in accordance with Section 13 and we will just go through the mechanics of that.

Under the proposed Charter amendment, 2010-24, Section 12 of the proposal completely eliminates the obligation of Council to submit any zoning changes to a vote before it becomes law. I'm not talking about referendum rights which may come later. But Council under this proposal would not have to submit to the voters any zoning change before it could be enacted. So under this proposal, if Council for some reason decides to vote to line your streets with bars, with box stores, multi-family residential units or any other use, or if they were to vote to allow retail establishments or condominiums in spaces smaller than that which is currently permitted, then they can do so without first seeking approval of the voters.

Section 13 of this proposal states that Council may put such a zoning change to vote if in its sole and exclusive discretion it chooses to do so. In other words, Council can change zoning in any way it desires without your first vote.

You may see another proposed Charter amendment. There is one circulating. I do not know where it's going to end up. That is being presented as a compromise position and it's not much of a compromise to some of us. I do not know if you will see it or not, but under that it says that you cannot vote on changes in zoning first except with respect to resolutions relating to single-family residential zoned property. So under that proposal you would not have the right to vote on zoning changes concerning property zoned as two-family residential, multi-family residential, commercial or industrial. If for example you live in or next to an area zoned for two-family residential or apartments or condominiums, those uses could be changed to commercial or industrial or from two-family to multi-family without your consent. Under the current Charter, you have a say in these matters via your vote. Under this proposal, you would not.

I caution you that if you happen to see on the ballot two different proposed Charter amendments to the same provisions of the Charter, you don't have to choose between one or the other. You can vote no on both of them. You can keep your right to vote intact. If you care about your land and your property, if that's important to you, if you have a lot of your investment tied up in there, then I would consider this very strongly.

While I can say that I am in agreement with Mr. Diemert that I would not want courts to rezone her property, I am also pretty sure that I don't want contractors and my elected officials to rezone my property either.

The other thing that I want to talk about briefly is in Article VII, Section 5, measures which are subject to referendum. Mr. Diemert gave you a brief explanation of what that means. Simply stated, when the voters don't like an ordinance that's been enacted by Council, in some circumstances you are entitled to gather signatures and put a referendum on the ballot to challenge that ordinance. This provides voters with a fundamental right to participate in the political process. It's also an important check and balance on the authority that we grant to our elected officials.

Under the current Charter provisions, when Council is required to pass more than one ordinance necessary to make or pay for a public improvement, the first such ordinance is subject to referendum. That's what Mr. Diemert talked about. Under the second paragraph of the current Charter, certain specifically listed ordinances and resolutions are not subject to referendum. Those listed are ordinances providing for the annual tax levy or for improvements petitioned for by the owners of a majority of the feet front or a majority of the owners in interest of the property benefitted to and to be specially assessed therefor, and also appropriation ordinances which are limited to the subject of appropriations. However, under the present Charter, all other ordinances and resolutions including emergency ordinances are subject to referendum. The third paragraph of the current Charter goes on to provide that ordinances or resolutions submitted to Council by initiative petition and passed by Council but are not required to be submitted to a vote of the electors are also subject to referendum.

So to summarize, under the current Charter provision, you have the right to referendum when (1) an ordinance or resolution passed is an appropriation ordinance not limited to appropriations; (2) on ordinances or resolutions not specifically excluded from the list in the second paragraph; and (3) on all ordinances or resolutions submitted to Council by an initiative petition but are not required to go to the electorate first.

Under the proposed Charter amendment, 2010-26, this proposal paraphrases and purportedly cleans up some parts of the existing Charter provision, but in my opinion it really cleans them up. It broadens the list of non-referendum items. It omits the language granting referendum rights to items not specifically excluded by the provision and it omits language which formerly granted referendum rights on initiative petitions. What does this mean? Mr. Diemert gave you an explanation and you can accept that. But to me it means that if Council votes to enact an appropriation ordinance which is not limited to the subject of appropriations, that is if the appropriation ordinance becomes bootstrapped with another, then your right to a referendum on that ordinance is removed. It also means that you would no longer have the right to referendum on items not specifically excluded on the Charter provisions and also that you would no longer have the right to referendum on any legislation which originated by initiative and was passed by Council.

How important is the right to referendum? It is your political voice. Your right to challenge actions which are taken by your elected officials. Does it ever come up? Yes it does. May I point your attention to our friends and neighbors in South Euclid? That City had an income tax on the books. It also had on the books a credit of .75% for income taxes which were paid to other cities. Well one fine day in May, the South Euclid City Council voted to rollback that credit, resulting in a .75% income tax hike for its residents. There were many voters that were upset by the rollback and they gathered enough signatures to put a referendum on the ballot to challenge the City Council's action. As a result of that referendum, the South Euclid City Council voted to voluntarily repeal the rollback of that credit. The voters in South Euclid value their right to referendum and won't be giving up any of those rights any time soon. She has a couple of copies of an article from the *Sun Press* if anyone wants to learn more about that.

In this day and age our ability to participate in the political process is more important than ever. We should not vote to eliminate this fundamental right. We can build gleaming edifices of brick and steel to house our institutions of government, but if we eliminate our right to vote, we destroy the very foundation of our democracy. The right to vote is an essential check and balance on legislative authority. When is the last time you turned on the news or picked up a newspaper and did not see a story about political corruption? I am certainly not saying today that any of our Village officials, our Charter committee members or anyone else are corrupt. What I am saying is that allowing our elected officials to have unfettered discretion is a bad idea and can easily lead to bad results. I would like to make mention that even on the zoning rights, I do not think we want to be in a situation where all we are left with is a referendum right there. The vote should come to us first. If City Council votes to change zoning and a contractor goes out and starts breaking ground and we have to scramble for 30 days to gather a bunch of signatures and get it on the ballot, it could months later. We may have already lost the battle before we even got there.

While it may be easier and faster for contractors and politicians to avoid the vote of the people, it is worth the time and trouble it takes to protect our rights. This is part of what we pay our elected officials to do and we believe we should continue to insist that they tow this line.

You may hear several reasons and arguments to the contrary. That's okay because our society is premised on each individual's right to a voice in our government. That is in fact exactly what I am here to try to preserve. What I really ask you to do is to evaluate the arguments and assurances you receive very carefully. If you are given assurances and promises, take a close look at the proposed legislation you are going to be asked to vote on. Does that legislation permit Council to take action? Does it prevent them from taking action? Does it give you the right to vote on issues that affect you and your property or does it take them away? I assure you that while you and I are at work walking the dogs or paying our bills, our elected officials will be making decisions based upon what they are permitted to do under the language of our Charter and we will all be bound by it. It is on that language and that unwritten assurances which we must rely. At any given point when a zoning change comes up, you can choose to approve or not approve that zoning change. You can choose to challenge or not challenge any legislation by a referendum. But I urge you not to vote to eliminate your choice altogether.

Mayor Rinker, Law Director Diemert, Members of Council, Mr. Buckholtz, the Charter Committee and friends and neighbors here in the Village, I thank you very much for the opportunity to come before you tonight and speak freely about the suggested Charter amendments. I cherish the rights I have as an American citizen and I desire to keep them intact. Thank you.

The audience applauded.

Council President Buckholtz thanked Ms. Bodnar. I just met Ms. Bodnar and allowed her more than 3-5 minutes because I know she speaks for many people. If anyone wants their name just attached to that, you don't have to do this, but you are welcome to, either after the meeting, give your name and address to Mrs. Betsa. Or circulate a piece of paper now if you want with everyone's name and address and we will make sure that it is in the Minutes of the meeting, if that's fine.

The audience is still allowed to make comments. That really says a lot.

Barney Schwenzer
Sandalwood Drive

I am for what she had mentioned, both parts. I want to use one additional example of trying to emphasize what she is saying. I know of a friend that has an airplane and he would always take this time to put a prop lock on it. And I asked him, I said, well why are you putting a prop lock on it? He goes, well, if you look at that airplane or my airplane, which one do you think the thief is going to take, the one that's easy and get things through or the one that's hard? Now, in a sense, as a citizen, I want the right to be able to say I want to choose on this and hey business, if you don't want to wait to come here, you have the right to go where you want. It's your right too. That's all I'm saying and thank you very much and thank you (referring to Ms Bodnar) for explaining it so well.

The audience applauded.

Dona Kless
Thornapple Drive

I have been in the Village for 14 years, I think, something like that. While I realize nobody wants to take away my right to vote, they are taking away my ability to vote on something very important to me with the rezoning issue. I don't think that Mayfield Village has great tracts of land that we have to worry about people wanting to come in and develop, but there are various empty lots, unoccupied homes on the major thoroughfares of Wilson Mills and SOM Center Road and I can see somebody coming in and saying, Oh, I can do this for the Village and I can bring this income to the Village and all these wonderful things can happen for the Village. It's not going to be really good for the people who live around there and I think we all should have

the ability to comment on it and not have to go around door to door to the people who don't live anywhere near there should it come up. Thank you.

Dale Marston
Worton Park

The only thing that bothered me, and, by the way, I very much appreciated the comments that have just been made. But the one thing that got me was the possibility of a new zoning law being affected in some way by oil or gas drilling. I can see how if suddenly there was a large deposit of gas, it would be in the city's interest to go ahead and rezone for that purpose. That's what I wanted to ask at the time I held my hand up and wasn't able to. Thank you.

Richard Eisenberg
Seneca Road

I am not going to try to repeat the brilliant remarks that went before. I would like to address the one thing that, the couple things that were passed over in the constraints of time, the observation that this Charter Review Commission was selected and hand-picked by the Mayor and Council. So I am assuming that everybody is on the same page and in the same loop. At some point tonight or some other time, I would like to know what thing is looming out there that is on the backburner just waiting for this change in the Charter. If there isn't, then why do we have to change it?

The other thing as far as regarding the referendum. It's really gutted. All you have to do is hang an emergency on something now and it's not subject to referendum. The current Charter says emergency ordinances are subject to referendum. Hang emergency on it, it's not subject to referendum. We have a very very limited right to referendum if you read the Charter amendment. From what I took off-line there's a gap and when you look at the gap, you see the referendum for emergency says and as was mentioned you can hang a, you say it's an appropriation ordinance, you can turn it into a Christmas tree and hang anything you want on it, it's not subject to referendum.

I don't think that the voters of this Village have shown themselves incompetent and incapable of selectively voting on zoning changes. The most recent referendum in this Village was when Judge Krenzler wanted the land south of Mt. Vernon rezoned for condominiums. He made the case. The voters believed yes, this is logical and it was overwhelmingly approved. It's not always negative.

Now, our neighbor Highland Heights has a much stronger zoning referendum provision because not only does it have to be passed in the City, it has to be passed in the Ward where the zoning is contemplated. They recently had one in which a developer wanted to extend commercial down Highland Road into residential areas. Those voters overwhelmingly rejected it, which it would be rejected here if we ever got the chance to do it.

It's been mentioned that we don't have large tracts. In the back of my mind I think there's 15 acres north of Highland Road which Progressive seems to have abandoned the idea of ever building south campus. I really worry about what might go in there. That would have a tremendous impact on the character of the community and the complexion of the community and even if you took the compromise ordinance that says if it is residential the voters can review it, that land isn't zoned residential, it's zoned production and office laboratory. So, as I said, I would like to be clued in as to what's looming out there that we so desperately have to take a section of the Charter that's one-third of a page and turn it into two pages. Thank you.

The audience applauded.

Councilman Joe Saponaro asked Council President Buckholtz if he could comment on one thing. Mr. Eisenberg made a comment that I do take exception to. As a Village, everyone wants to be involved at this stage of the game, however when there's public hearings and opportunities for you to weigh in and give your opinion on the fact that this Commission that put everything together made themselves available, there is ample opportunity for everyone to come here and speak on it and talk to them.

You have a right to vote. If you do not agree with anything that's being proposed, in November vote no. It's very simple. But to insinuate that somehow myself, because I choose a person that sits on that Commission, had any type of coercion or the person I picked would be someone that I only picked because they had ideas like mine is far from the truth. The gentleman that I picked I know on a very limited basis. He's active in the community. He's active in the neighborhood association. But I don't know what his voting persuasion is. I don't know what his religion is. I don't where his kids go to school. I just know that he's someone that was active, involved and was willing to put forth his time and effort to do a job to go through the Charter, not because something's looming in the background, because nothing is looming, but because it's a responsibility per the Charter to go through, to look at everything that's in there and to propose changes. You as the voters, we all as the voters in this community, can say no. It goes to the ballot. If you don't want it, you vote no on it. But there's nothing necessary to throw in there dialogue regarding some innuendos that something was not done above board. I just wanted to comment on that. Thank you.

<u>Jean Triner</u>
829 Hanover Road

I have been pulled into this very reluctantly because I agree with what Brenda says, we need to protect our right to vote. I think it's important that we recognize that we have a wonderful website for Mayfield Village. A lot of money was put into putting that together. If you would look at that, you are not being kept informed because if you look at it, there are no Council Minutes for 2010 other than January and no Caucus Minutes there for 2010 other than January and February. I know I get very angry because there was an insinuation in the last meeting that we are not knowledgeable and here we are paying money for a website and you are not keeping

us apprised. I was surprised to hear that the Charter Review Committee meetings were open. I don't know where that's publicized. I would like to know that. Again, you are hearing my anger because I don't think our right should be taken away and we should be kept informed and we are capable of understanding things. So, that's one point.

The second point I would like to make is my understanding is if the Ordinance Review Committee, Charter Review Committee wanted to rescind these things that are going to impact us, they can do so. I understand the Council if they wanted to, could pass a referendum saying they don't support these. I think that would be very advisable.

If you want to comment, I don't know now or I hope this group would come back next Monday and hear what you have to say about that at the Council meeting. Please don't say that we should be here and informed if you're not giving us the data that we need. Thanks.

The audience applauded.

Rick Christian
510 SOM Center Road

I have been coming to Council meetings for probably going on 20 years. I have been involved in the SOM widening project and the sewers going in on SOM and I have been lied to and dragged around the corner a half a dozen times on all of those issues and I don't trust Council. Period. My rights are my rights and I want to keep them.

I have a question. Are all these 2010-23, 24, 25, 26, are they all going to be clumped on the ballot together or are they going to be individually put on the ballot?

Mr. Diemert replied, individually.

Okay, that's all. That's the only question I had.

The audience applauded.

Marge Eisenberg
Seneca

I come to all of the meetings. I do. The only time I don't come is when I'm not here, I am not in town. I come to the Caucus meetings. I come to the Council meetings. I come to every single meeting that you people have.

Mayor Rinker stated, yes, you do.

I come to all of these meetings. Ladies and Gentleman, I come to the Caucus meetings. I come to the Council meetings and I had absolutely no idea until tonight that as a private citizen I could go to those ordinance meetings. I had absolutely no idea. So please don't sit here and say that

anybody could go. It is just not the truth. Let's talk the truth. Because I'm standing here and I know if you had announced it, I would have gone.

The audience applauded.

Richard Davis
Hanover

We are a relative newcomer to the Village, only about 23 years. I am one of those that's unlike the last speaker, I only come to the meetings when I feel that there's a need for me to show up and represent my opinion. However, this afternoon I took advantage of a couple hours and read through the Council meeting Minutes which were forwarded to me by e-mail and the Caucus meeting Minutes for the two most recent meetings that had long discussions identified by individuals of these proposed items.

First of all I would like to compliment the Council for the openness of those communications. It was a lively discussion. I could almost feel I was at the meetings from reading through those minutes and my compliments to whoever takes the Minutes. They had to be going crazy by the amount of stuff that was discussed.

The dissenting opinion was very interesting and it reflected the different viewpoints and the possible proposing of a replacement for one of those ordinances that would be put to the ballot. The possible replacement went for the 2010-23, that had a possible replacement ordinance relative to the exclusion of residential rezoning as opposed to all rezoning. But I think the important thing that I wanted to convey is it's good to see that interaction and the discussion amongst the Council members. I think that that, I would concur with Jean Triner, if those Minutes had been more available on the website to more people you might have gotten more feedback sooner. I also was unaware that the Charter Review Committee was open to other people for participation in their proceedings. But I am glad to see that Council decided to open up this forum to get feedback. I think based on the crowd that's here, you are getting positive response to an interest level in these ordinances much of which appears to be against those ordinances. Again, thank you for your efforts.

Council President Buckholtz asked, so is that positive-negative or negative-positive?

The audience laughed and applauded.

Megan Parsons
513 SOM Center Road

Corruption is nothing new to Mayfield Village. My parents lived in this Village since 1952. To wit: the Parkview Golf Course incident which resulted in a lot of litigation and taking it to the Ohio Supreme Court. Basically folks, I am with Mr. Christian. I do not trust you. You are asking for too much power and it sounds like something coming out of Washington these days.

We don't want to give you any more power, at least I hope the rest of my fellow citizens don't. Giving Council this kind of power is the most ridiculous thing we can do as citizens because you're going to use it, you are going to do something bad. I know it. I can see it. This happened hundreds of times before in this Village. I can remember my Dad talking about it. You know, you are not going to pull the wool over my eyes.

Second of all, I resent the implication that we are all stupid because that's what comes across, that you don't think we know what we're doing. Well, in this political climate for the whole country and this Village included, we are awake folks. Wide awake. You better know it, because neither I nor probably most of my fellow citizens here are going to let you get away with anything. Thank you.

The audience applauded.

Tim Scasny
648 Meadowood

Thank you for speaking. I would like to encourage again what other people have said to improve the communication on what it is affecting the residents. On my street, on Meadowood, I found out, I'm not saying I shouldn't pay more attention, but I'm busy. I have things impacting my life and I don't come to meetings because I am just overwhelmed at what I am involved in with my mind.

You could make it a lot easier with Ward representatives, especially if it's going to impact your street, saying, hey, Council is talking about having a trail that goes down Meadowood. I didn't know that until, I wasn't paying attention. But, the way it's presented, I didn't even know it was going to happen. I'm not saying it's a bad idea. I'm not saying it's a good idea. But I have already found that properties have been bought to enable this to be done. I would encourage better communication. Especially when it is affecting a certain group of people in the Village and the Ward representatives could do a better job letting us know what's going on. Thank you.

The audience applauded.

Council President Buckholtz agrees with what Mr. Scasny said. One of the things I was going to say that Council's role here is more to listen than to talk, so we didn't want to engage, or we would be here all night if we engage every comment, but one of the things that you said Tim kind of rings true with me as well and it touches on what Mr. Saponaro had mentioned. I didn't go to any of the Charter Review Commission meetings, but I did appoint somebody to that Board and like Mr. Saponaro said, it's somebody that I know casually from my neighborhood, but I know he's a serious individual. I knew he would take the job seriously, read the Charter with great detail and caution and I put my faith in him so I know the current climate in this part of the country or the whole country or in the Village is we don't trust government. You don't have to remind me. I am a product of the 60's and whatever, but it's interesting, that's what it's supposed to be about.

You're not supposed to be required to come to every meeting and watch every move. That's what you elect your officials for. But just like we appoint people to a Commission like this, we let them do their job. We see what they come up with and that's it. So, again, that's what happens.

Dino Marino
687 Bramblewood

I have lived on Bramblewood for 23 years. My only concern is the language on these proposed changes. Would a "yes" mean a no and a "no" mean a yes or is it going to be plain English? I come from Italy. Sometimes I get confused.

Mr. Diemert replied, that's a good question. Each ordinance has the actual language on it Dino and it's very clear that if you vote yes, the adoption of the amendment will occur. If you vote no, it will not.

Mr. Marino continued, I didn't know at all that this was going on. I played golf today.

Mr. Saponaro asked, you didn't know the public meeting today was going on either?

Mr. Marino replied, I just found out today.

Council President Buckholtz stated that several years ago, he does not know if this was the Board of Elections or who it was, but just a couple of years ago they started right on the ballot, it says something like this, "shall this happen?" there's a question mark, it says, "do you want this to happen?" so it's real easy to read that and say, yes I do or no I don't. That was an issue for many many years, I suspect, a long time ago.

Jim Triner
829 Hanover Road

I am a recent Village resident, just 21 years here. First of all, I would like to thank the Council for putting the 2020 Plan on the website just this afternoon around 5:00. It's great to see that. Also, you talk about the greenspace –

Mayor Rinker stated, it's been on there for a few years.

Mr. Triner stated, it has not. Because it just hit the computer on the website this afternoon because we've checked it.

Mayor Rinker stated, it's been on there for a few years.

Mr. Triner stated, okay, well in that case, when are the revisions going to be, the unpublished revisions to the 2020 Plan, when will they be on the website?

Mayor Rinker replied, there aren't any revisions.

Council President Buckholtz stated, he does not know of any.

Mr. Triner asked, when will they be on, 2019 or something?

Mayor Rinker replied, there are no revisions per se.

Mr. Triner asked, there's no unpublished revisions to the 2020 Plan?

Mayor Rinker replied, no.

Council President Buckholtz stated, I don't even know how to respond. There's no, is this part of that looming, is there something looming in the offing? Be more clear. I would rather you just make your comments then ask questions, but I will remind myself if we want to go around the table, I don't know of any plans looming in the offing. I don't know of any diabolical plan or deal made with some kind of a racetrack or something to go in the middle of Aintree North.

Mr. Triner asked, the Ordinance Committee is run by Pat Caticchio. Who appointed him to be the President of the Charter Committee?

Charter Review did.

Mr. Triner asked, doesn't Council pick who is going to be on the Ordinance Committee or do they just –

Mr. Diemert replied, the members of the Charter Review Commission selected the Chairman.

Mr. Triner replied, okay, I see. Okay, great. The other thing too is that he does have a developer's background, so, there could be a conflict of interest or possibly not there, so. Just asking.

Mr. Diemert replied, no, there's no conflict of interest.

Mr. Triner asked, no conflict of interest? Okay. Thank you.

Eric Jochum
Wilson Mills

I am a resident of Wilson Mills. 15 years. And a member of the Charter Review. I hadn't intended to speak tonight. But I resent the last guy. Pat Caticchio has served this community

well. I get upset when people make insinuations as Mr. Eisenberg did. Although I've considered the source.

Let me tell you this. Pat Caticchio has served this community well and our Charter Review Commission selected by Council and our Mayor was a fine group of people. People that gave of their time. Came to the meetings unpaid. Took time away from their family to serve this community. They don't ask for anything. There's no deals in the making. And for people to come here and make that insinuation is upsetting to me because I don't do this for money. I do this because I live in this community and I believe that what we put forward as a Charter Commission is good for this community or I wouldn't have been a part of it. So, those that want to come here and believe that it's something other than what it is can do what they feel they need to do. And if you decide to vote them down, that's fine. But that's why we have a Charter Review and that's why we have elections. But don't come here and make insinuations. We have Councilpeople that serve this community and serve because they love the community. Not because they are on the take. And for people to suggest that there's something behind the scenes is just wrong. And while I didn't intend to talk and maybe I shouldn't have, I think it's important for you to know that.

The audience applauded.

Council President Buckholtz thanked Eric. I think that was compelling.

Again, I think what really should come out of Eric Jochum's statement there is that we are elected officials and again, especially in the climate of Cuyahoga County, State of Ohio, United States, whatever you want, we take it with a grain of salt that we don't trust government and we're all scared and we're all unsure of the economy and government decisions.

There's a difference between volunteers that join our committees. There's also a difference between coming up here and questioning who we chose or why they did this or what's going on. This is very simple. Back to what the Law Director said, this is currently what's in our Charter, that there's a Charter Review Commission. Come forward. We hunt down people to join these committees. They don't come forward. So, the next Charter Review Commission, it looks like we have a whole room full of people that would love to be on that Commission and work on the Charter. But right now these are the people that did it and this is what they came up with and by law this is going on the ballot in November. I don't have to vote for it. Voting is private. We have to vote to put it on the ballot. That's what we understand our job is to do. But we can go in that ballot box and vote against it just like you guys. I am a little bit moved by that. Very good. Thank you Eric.

<u>Barney Schwenzer</u>
Sandalwood Drive

First of all I have lived here in Mayfield Village for 37 years. Second of all, I want to put on the record the amount of people that showed up compared to what usually shows up. Is there more than normal? Please comment.

Council President Buckholtz replied, there's Marge Eisenberg and then there's all the people that are here tonight.

Mr. Schweinzer continued, yes, but is there more than normal that shows up?

Council President Buckholtz replied, Gary Busa is also there. Yes, the answer to your question is yes, of course.

Mr. Schweinzer added, that's all I want is that to go on record. Thank you.

Dino Marino
Bramblewood Lane

This meeting should not be fingerpointing. We should discuss the issues. The only comment that I have to make is I personally was not informed and as somebody implicated, the gentleman that worked really hard on the revisions had some personal interest for it, I personally apologize for it. I think those comments aren't necessary. But the issues are the issues. We as citizens should be informed of what's going on in the Village. I came from Italy and I remember when Communism was going on and fighting was going on and a lot of things, so I seen it when I was young. I don't want to see it here. I am an American and I should be informed of what's going on where I live. I personally apologize for the comments because I know you guys worked really hard, but we should know what's going on.

The audience applauded.

Jack Clifford

I have only been here for two years and I know Joe Diemert in the 6th grade and he was quite glib at that time and knew his civics. The reason for my comments in standing up this evening is as a new resident in this community I have been quite pleased with the way that the Administration has been able to assist in informing citizens, committees and various other groups since I've been here. We had the gas well issues, we had the income tax. I have been to all of those meetings. I have been aware of it by the Administration, by citizen's committees and speaking for myself, I just want to say that I appreciate the opportunity of attending a meeting like this where everyone has the opportunity to express their views and feel comfortable in doing it and I thank you for that opportunity.

The audience applauded.

Council President Buckholtz thanked Mr. Clifford.

Phil Stella
Derby Drive

We have been looming on Derby Drive for 28 years. As a professional communicator and communication consultant, I would like briefly to encourage Council to do more of a good thing. I would not suggest you aren't communicating. You probably are. We aren't listening, reading or paying attention because we all have busy lives.

When in doubt, over communicate on important things and when in doubt communicate in multiple ways. We have wonderful tools here. The website. The *Voice of the Village*. The sign. The U.S. mail. We can and should use all of those with important things. Recalling the effective campaign for the levy not too long ago, you didn't leave any stones unturned and I think that probably helped pass the election. We are used to having the Village communicate with us on what the Village perceives to be important things and I think what you're hearing tonight other than some very interesting comments that will make a good reality show someday, is the need to over communicate and keep reminding people of important things like we ought to come to Council meetings, we ought to come to Caucus meeting. Yeah, we probably do but we forget and we go about our busy lives.

And on a brief second note, thank the Commission for putting up the gender neutral language. I am definitely going to vote for that. Thank you very much.

The audience applauded.

Council President Buckholtz stated, Phil, I would like to comment, and thank you for your comments. I am right with you, but I want to mention that, we have a number, I have already mentioned that I didn't attend any of those meetings, and, we have so many committees. We have the Recreation Board and Beautification and Citizen's Advisory. These are all open to the public. What happens is, you know, hindsight is 20/20. We don't know what the Committee's coming up with. I don't know that, how many years is there, or how many Charter, every five years? So, there's been six or seven or ten Charter Review Committees and nobody attended and maybe there wasn't anything this dramatic or perceived as dramatic or perceived as radical. So, again, I think we are off point about who came to the meeting or didn't come to the meeting. We don't know what's coming out of that meeting. The point is it goes to the ballot and you vote on it. That's what they did. I don't want to belabor that point, but all of these committee meetings are open.

Pam Pierce
6809 Thornapple Drive

I have lived here on and off for 40 years since junior high. I would like to address the comments about innuendos and the concept of the lies that were being told.

I would like to encourage Council and the Mayor to give us a consistent message. I have two examples that I, I guess I have to start by saying that I am a LEAD AP with the U.S. Green Building Council and a green home rater and so that's where I am coming from and my concern is what I have been told in the past with first the condos that were built and we are each year addressed by Mayor Rinker which I greatly appreciate and was initially told at our meeting and I brought it up, that they would not be clear-cutting the trees to create the condos and then I saw them after the fact that it was totally clear cut. I didn't understand it. To me it felt like a lie because of the inconsistency.

The second was, and I believe Mayor Rinker also is aware of this because I left him a message with his secretary and I also called the Building Department or, I forget, whoever cut down the trees. The trees were cut down, probably about half of them, on SOM. Again, Mayor Rinker came to our Kenwood Gardens meeting and told us how the trees had been specifically selected and they had gone through a long process and had looked at New York trees and had gotten a list of good trees and had really put a lot of effort to putting in trees that were good quality trees that would be there and grow.

I was leaving the park one morning and saw them being cut down and I turned around and stopped and said, you know, what are you doing? And they said, we're cutting down the trees. I said why, these are healthy trees? I am also a master gardener. I know a healthy tree. They were healthy trees. They said, well they've been here six years which was again a lie, it had only been about three years, and they aren't growing fast enough. I said, they've only been here three years, that's not true. Let me talk to your boss. So they called their boss on the phone, whoever was cutting down the trees. I talked to him and he said they were diseased. I said, no, they're not diseased. He said, I said, when are you going to replant them? He said, when we get the funding. I said, well, I know the Village doesn't have much money to replant these, so I don't think they're going to be replanted any time soon, is that true? He says, well, that's probably true, I don't know. So that was where it was left. He wouldn't stop them from cutting down the trees, so then I called the Mayor and left a message which I didn't hear any response, but that's okay with me. I just wanted to voice my concern that he spent so much time creating good quality trees and it looked beautiful and these trees, and I heard from other sources when I asked that they were, I heard all kinds of things, but none of them that I've heard have been true, so I still don't know why they were cut down, or, but this is just inconsistency and I would appreciate it, really appreciate getting consistent responses from the Council. Thank you very much.

The audience applauded.

<u>Bill Coughlin</u>
806 Hanover

Anybody who's been by 806 Hanover knows that I am not a master gardener. But the only point I want to raise is I am sensing some confusion. I know I have it in terms of what is Council's role exactly with respect to acting on the proposed Charter amendments. I am understanding Mr. Diemert's saying there really is no role or there was some vote taken. I am hearing other people

saying that you have the possibility of defeating those proposed amendments in Council. So, if you could just clarify what your role is and whether you have any discretion in that regard.

Mr. Diemert replied, the law is real clear Bill that Council has no discretion. The recommendations must go to the voters.

Mr. Coughlin thanked Council and Mr. Diemert.

John Ranallo
Meadowood

I have been here about 8 years now. I just want to reiterate some of the comments we've had already. I know you suggested that, but I am going to anyhow. This is disenfranchisement as far as I'm concerned. The Charter Review Commission has voted to take away the citizen's rights to vote on the zoning. That's the bottom line of this whole commentary. That's how I feel and I wanted to express my views and I have sent e-mails to the Council members that have e-mail addresses anyhow. Again, I want to reiterate that fact that this is a step backward for the Village. We have run the Village very well for the last 30 odd years after they changed the Charter, so let's keep it that way. Thank you.

The audience applauded.

Mary Ackley

I know you said not to ask a question, but I have a quick question. My name is Mary Ackley and I have lived here 30 years happily. I live on Wilson Mills. My question is, what, can we keep these amendments off the ballot? Why do they have to go on the ballot if people are not happy with them? Or do we have to put them on the ballot? Mr. Diemert?

Mr. Diemert replied, they must go on the ballot.

Mrs. Ackley continued, because they have been proposed? Is that the reason?

Mr. Diemert replied, because our Constitution requires them to go on the ballot so that all the citizens can vote. You know, you can get a group of 100 people to go against almost anything. If we ran our government by a very vocal minority, that would not work. So you can't just say, well 100 people showed up tonight and they are against this and then take away the other voters' rights to vote. That would not be very democratic either.

Mrs. Ackley asked, so it's part of the Charter then?

Mr. Diemert replied, it's part of the Charter.

Mrs. Ackley replied, thank you.

Mary Ann Sirianni
800 Hardwood Court

I don't have a lot to say, but everybody's saying they didn't get informed. Well we don't even get the *Voice of the Village* where I live. I didn't realize that there was a *Voice of the Village* until I was at the meeting the other night and somebody had a *Voice of the Village* sitting in front of them and I said, oh, where do you get that at? And they said, oh they mail it to you. Not us. So everybody's talking about being informed. Maybe what you should do seeing you claim that you cannot do anything about removing this, you know, and it has to go on the ballot for a vote, maybe what you should do is make sure that all of the residents, not just somebody that, like what happened with us is one of our neighbors stopped us and said, oh, did you hear about this? No. Maybe at least, not swaying one way or another, just informational literature should go out before the vote, before this goes to vote so that somebody, other than the 100 of us that are in this room would have that information. Because we get no information on the Village. None. I don't know why. I mean, we're right around the corner. Our house is real noticeable.

Dr. Parker said, you should be getting it because I know I get it in the mail and I know other neighbors around me get it also. So, if you're not or there's some reason, surely we can look into it and see if for some reason your name is off the mailing list or whatever, but you should be getting it because everyone else around me does it.

Mayor Rinker stated he does not know why you didn't get it.

Mrs. Sirianni continued, that's how I knew was the other evening, that evening when you were at the other meeting that I, somebody had one and I said, oh, gees, what's that?

Mrs. Mills asked, what is your home address?

Mrs. Sirianni replied, it's 800 Hardwood Court.

Mrs. Mills replied, we will check our mailing files.

Dr. Parker stated, the only thing I wanted to add to some of the comments here was that while Council is obliged to move this forward, I wanted to just clarify that it's, and Joe, you can correct me if I'm wrong, that it is at the leisure of the Commission to either modify or retract any of their proposals, is that correct Joe?

Mr. Diemert replied, well, they've made their recommendations. I don't think that they have any further discretion. They had to finish their job within 5 months.

Dr. Parker asked, so that's not an issue then?

Mr. Diemert replied, that's not an issue.

Dr. Parker replied, that's what I'm trying to clarify.

Mr. Diemert stated, that's not an issue.

Dr. Parker stated, okay. Thank you.

Mayor Rinker stated, if I can, I would just like to make an observation. I do take to heart the comment that we don't provide the Minutes on the web because it's something that is important. Where we have failed in that I certainly want to make sure we correct it.

But the other part is, we really have been trying to improve the lines of communication. We have revamped our website. It took a while. It cost some money to do that, but in fact we did put on our homepage, we've got a mechanism that is designed to advise people of current meetings that are upcoming. We used the website to advertise this meeting. We did not advertise it in the *VOV*, but we did get into the *VOV* discussion about the fact that there were these Charter proposals forthcoming and we certainly will put into the mail the specific legislation that is proposed because we're supposed to do that by law. I know we did use the marquee to identify this meeting and we did send out mailings to everyone advising them of the meeting.

The meeting itself that we're having tonight is not something that is specified in the Charter. Part of the discussion at the Council meetings after the Commission made its recommendations was to have a public hearing like this and so we did advertise it. Obviously bad news travels faster than good news. I have a feeling that a lot of people who got the notice didn't really pay much attention to it. On the other hand, those that did get the more provocative notice -, so maybe we should be changing our methodology. But in all candor, it is very important that you get information. We've been trying to use different methodologies. We know we have to make improvements with the website. It's an ongoing process. The most blatant one to me is that we've got to get Minutes out in a timely fashion.

All meetings are public, committee meetings, commission meetings, board meetings. There are very few people that have the time much less the inclination to come, so we don't use that as an excuse. We thought a public hearing would be a more effective way, at least to get people aware well in advance of November that these are items that under our Charter have to be reviewed by the public.

So again, we take to heart the fact that, and you have a legitimate requirement of your public officials to make these things public. We're working on it. We try to improve it. Clearly we can make more improvements but I want you to know that it's not for lack of effort and we do encourage this kind of discussion. We don't get this at every meeting, but I'm really heartened by the fact that a lot of people did show up. To me this is the way our democratic process is supposed to work. So I thank you for coming.

The audience applauded.

Frank Sirianni
800 Hardwood Court

I just wanted to say that one of the things obviously great minds have said is the only fear I have is fear itself but one of the fears was fear of the unknown and this proposal takes away what will be known and I think that's what's on the mind of all these people.

The other night there was only a handful of people in one room and in a couple of days you already have this many of the concerned citizens. Citizens of Mayfield Village are very concerned about our future as well as the Commission that worked on this, I'm sure. Again, Mr. Jochum mentioned. Yes, all these people here are very appreciative of people who volunteer their time, who work and have the same goal of making Mayfield Village the best place to live in. It was rated number one several years ago. I think we've dropped to 14. But, again, we have valuable greenspace. We have amenities in this community. Progressive worked out. We still have one large organization. But the other thing is again you mentioned, yes we seceded from way back when and became Mayfield Village. If we were part of Mayfield Heights, I think we'd start seeing strip stores going all the way down SOM Center. So, people are very concerned and realistically everybody here is here because they only have the best interest of Mayfield Village in mind. Thank you.

The audience applauded.

Al Scaccia
6705 Glenview

I have been in the Village on and off for the past 45 years. I have a question. I would like to find out. Did you say five years on committee, every five years we do the committee?

Mr. Diemert replied, yes.

Mr. Scaccia asked, well how come our Charter says every 10 years and we have to have 8 people?

Mr. Diemert replied, I think it's been probably amended by a Charter Review Commission somewhere along –

Wes Marotte
Glenview

I was on the last Charter Review Committee. The proposal was made to change from 5 to 10 years. The vote to change from 5 to 10 years was a dead heat. I believe it was tied. Unfortunately it got printed in the new Charter and it is incorrect. I checked with the Board of Elections at the time because I was concerned having been on the Charter Review Committee and I was told specifically that it was a dead heat and therefore it should not be in the current

Charter. I called the Village Hall and made them aware of this and they told me that it had been properly corrected and it was still five years. Period.

Barbara Bodnar
Bonnieview

I just wanted to follow up with our resident civics expert Mr. Diemert on a couple of things we talked about tonight, so a few very brief questions if you could clarify them.

Number one, can Council pass a resolution of no support for the Charter amendments?

Number two, can Council publish the names of Charter Review Commission on our website and can they reconvene and take input of the citizens?

Number three, you are not insinuating that we here tonight are simply a vocal minority, are you?

Mr. Diemert replied, I find it interesting that you would suggest that we should do something to take this off the ballot so that the voters don't have a chance to vote on it when the issue is you are trying to defend the voters' right to vote, so for those of you who have suggested tonight that you don't want this to go on the ballot are disenfranchising the people that aren't here tonight and that's, I'm not sure what the majority of the people here would prefer, the voters.

Ms. Bodnar replied, everybody here knew about the meeting tonight.

Mr. Diemert asked, okay, so they don't want this to go on the ballot, you're saying? That seems inconsistent with the issue that's the merits of the case. Should we let the voters make a decision?

Ms. Bodnar replied, I think the Charter Commission needs to have input. Apparently there may have been some advertisement earlier on which invited people's input and nobody seems to have received their invitation. I know I haven't received mine, but I think there ought to be an opportunity there. My question is not whether you think I am a person who stands for fundamental liberties or not. My question is whether or not (a) you can, Council can pass a resolution showing no support for all or some of the amendments and number two –

Mr. Diemert replied, Council can pass any resolution they want, yes.

Ms. Bodnar replied, okay, and number two, whether it's possible to give us the names of the people on the Charter Commission by publishing them somewhere and asking that Commission to reconvene and take input from not just the vocal minority that's here tonight, but for anybody who wants to come?

Mr. Diemert replied, it is public record. All you have to do is call the office and get the names. They have Minutes for every months of their meetings with all of their names, all of their

debates. The Minutes are like this thick combined of all of their discussions and each person's statement on every issue. So, that's all public record.

Ms. Bodnar asked, so we can all call City Hall tomorrow? But can they be requested to reconvene?

Mr. Diemert replied, no, the time period was five months from when they convened to begin with.

Ms. Bodnar asked, so you are saying we can't really do anything at this point?

Mr. Diemert replied, correct.

Ms. Bodnar added, it's pretty much cast in stone. Thank you.

Mayor Rinker stated, just again, to reiterate, the reason we called the public meeting is part of the problem is the way the Charter mechanism works it gives you that lesser period of time and you always worry that people get more upset about the process than the actual merits because they feel they are being painted into a corner and clearly that's a sentiment that's been expressed tonight. All I can suggest to everyone is that at least we feel we've gotten the proverbial ball rolling by having this kind of opportunity for a forum to express these things. This is by no means the last word that residents have to have. I don't think you have to feel like it's just going to go up between now and November before people vote. I think the right of people not only to convene here to assemble and petition their public officials but to communicate with each other as it clearly was done before this meeting. That's something that goes on. So this is an issue. These issues can be addressed by us collectively. And I suspect they would be. But the process itself as the Charter sets it up is the way it is, the way the Law Director has explained it.

Jean Triner
829 Hanover Road

Just a real quick one. I wanted to thank this group too for having this meeting. Mayor Rinker, you just really triggered a great idea because it is hard for us. We are all so busy and I know I didn't really want to get involved in this. I just felt like it's too important not to. Is there some way using the website that we who may want to get people that are educated and to hear more about what Brenda has said, not just the people in this room, but the people who couldn't make the meeting. Can we use the website somehow interactively to post something to say, please come and hear other viewpoints?

Mayor Rinker thinks the short answer is yes. Exactly how we do that, we are still learning, so I don't have a quick answer for you, but fundamentally that's really why we have tried to make changes to our web to make it a more active mechanism and in turn, like the meeting tonight with protocol which I think for the most part everyone has really followed quite well, I have been to a lot of different public meetings and they can get much more interesting.

Mayor Rinker added, we want to work on that. The idea is to improve the functionality of the web.

Mrs. Triner stated she may have misled her husband because she had looked previously for a Master Plan on the website and couldn't find it.

Mayor Rinker stated, we have had 2020 on there ever since it was adopted by Council.

Mrs. Triner responded, that's great. I appreciate that. Mary Beth was great to send it tonight, so I could just kind of take a quick look at it.

Mayor Rinker stated, part of what we're trying to do, those of you who are web-friendly, we really have been trying to get some feedback internally and within the government itself and externally. We haven't had a great success rate so far. I think it's just easy for people to leave it at status quo and often it takes an event that gets people agitated to start looking at it. So that being said, we really do look for ways in which we can improve the way that works. We have had glitches with the system since we brought it on-line. Regularly we find, like the ordinances, you're supposed to click here and they don't always pop up and we have to go back to keep, the Drane Company keeps changing its server or something, we're not quite sure what's going on.

Those are the commonplace issues. The larger issue, though is there are ways that we can improve the way in which people have an access to and utilize it. We don't want this just to become a Village blog. There are a lot of other blogging mechanisms, but I think we can certainly improve that.

Mrs. Triner replied, that would be nice. There are people here who would like to get involved in these committees just to know what the process is.

Mayor Rinker replied, as the Council President said, it is participatory.

Mrs. Triner asked, so the process would be just to let Bill know?

Mr. Saponaro replied, let anybody know.

Mayor Rinker added, for everyone else, everything is public record. By law, we have to keep records up. We have to make it available. Reasonable request, turnover time has to be good. There's a pretty basic fee for, just really a handling cost if anything else for reproduction and typically we're pretty lenient on that because we do like to be able to get the information out.
Mrs. Triner would like to go on record by supporting Phil Stella because he is an excellent communicator and I think he stated it much better than I did.

Dovetailing off of that, Council President Buckholtz suggested to Mrs. Betsa that if anyone here is interested, even though it's an annual thing that we sign up for any committees, Recreation, Citizen's Advisory, it's only at times like this when it's on everybody's mind, if you want to call Village Hall and ask for Mary Beth, we keep a repository of names because when the end of the

year comes and we are looking for people, we are racking our brains trying to think who can we get some new people, so, we can keep a list going. So you can call Village Hall any time and say you would like to be included on a committee.

Larry Pollack
Wilson Mills

I have lived in this city for 33 years. I just wonder, since this obviously strikes a cord in a lot of Mayfield Village voters. I wonder, is it possible for us to circulate a petition? And that petition, those that are against these amendments, could that be published in the *Voice of the Village* before the election to let a lot of people, because one of the problems is as everybody said, everybody's busy. A lot of people don't have the time to come here, but if they saw maybe a thousand people from the Village oppose these constitutional amendments or Charter amendments, maybe that would sway some voters and we all know like you said, you can't even attend all of the committees. Most of the residents cannot come to all these meetings, so if they knew 1,000 or 500 or 700 and that could be put in the *Voice of the Village* that's just giving a petition where we sign our names saying we do not agree with these amendments and we would like to see them voted down. Would that be possible?

Mayor Rinker replied, the short answer is, yes it is. We have already done similar earlier with the qualification that we do try to keep a certain propriety about it or clarity with the petition. We would not be promoting it *per se* from the Village. It would be a question, we would facilitate it. The short answer is yes.

Mr. Pollack replied, thank you.

Council President Buckholtz stated, I guess one of the things that I can't resist adding without making this meeting go on, is we have all resisted to get into a debate about this particular item because we are trying to explain the process that it's going to the voters and the voters will decide.

There was a recent comment about greenspace that we have a lot of nice greenspace and had we not become a Village, maybe we'd be like Mayfield Heights with strip malls everywhere. I just wanted to say, I am a Councilman of about 14-15 years and I remember a long time ago just the thought of government purchasing that greenspace. We had crowds similar to this of people saying that we were trying to buy up that greenspace to put in strip malls and large boxes. I can only defer to the importance of coming to Caucus and regular meetings because for the people that read and have complimented the Minutes that have been taken, I know that I specifically brought this up and we had this as a debate on the floor that I think Mayfield Village has turned out pretty well. I was one of the naysayers. I was one of the people that was against buying all this land. But we haven't flipped it to hotshot developers and the Village has had the fear of the unknown. That's what it is, a fear of the unknown. But, I'm not debating for or against the vote. We can do that anytime, anywhere. We have several months to do that.

Ray Koren
822 Hanover

Council President, may I make about a 30 second comment?

Council President Buckholtz replied, go ahead.

First of all, I have great respect for everyone that's here, Councilmen, people on the Commission, so I, I know you do a great job. But the one point we have to recognize is 10 years from now none of you are going to be here. We don't know who's going to be on Council. I have lived in the Village 25 years on and off and I have seen some people, I think a couple went to jail, if I recall correctly. I don't want to be forced into a corner from that legislation.

Council President Buckholtz thanked Mr. Koren.

Mayor Rinker can't resist saying this because a comment was made before. Historically, because we do have the referendum issue, there have been very few referenda during the time I have been on Council and as a Mayor but I can say in every one of them we were very careful to make sure we got the word out and worked with it. Candidly, we can work either way with it. That's what our responsibility is. Bear in mind that, almost like card games, you can change the rules. You can always look at, does a rule's change necessarily mean good or bad? Oftentimes it does, don't get me wrong. But the fact of the matter is, understanding how a rule's changes can affect us I think is always important. That's our responsibility up here and we do take it seriously. So we want you to know, whatever the vote of the people is we follow it.

The audience applauded.

Council President Buckholtz thanked everyone for coming. We will be here. We will be available to you. Thank you.

There being no further discussion, the meeting concluded at 9:10 p.m.

Respectfully submitted,

Mary E. Betsa, Clerk of Council

APPROVED BY COUNCIL AT ITS
REGULAR MEETING ON AUGUST 16, 2010:

_____
WILLIAM BUCKHOLTZ,
COUNCIL PRESIDENT

Supporters of Brenda Boonar Comments

Name	Address
Mary Cechley	7109 Wilson Mills May Vly
PHIL STELLA	6459 Derby
NORMAN KOTOCH	637 TIMBERLINE TRAIL
CONNIE KOTOCH	" " "
RON SOBEL	837 BEECH HILL RD
Tim Sorsny	648 Meadowood Dr.
Rick H Christian	510 SOM CENTER RD.
RAY KOREN	822 HANOVER Rd
Megan Parsons	513 Som Center RD.
Vince GARBO	849 Beech Hill Rd
Jim + Jean Trimm	

The Following People
Support Brenda Bodner's
Statements

Name	Address
Hoye Eisenberg	
Larry & Marsha Piecuch	Highland Rd

The Following People Support Brenda Bodnars Statement.

Name	Address
JOHN RANALLO	6768 MEADOWOOD
EILEEN RANALLO	~ ~
RICHARD W. DEACON	6199 NORMAN LANE
CAROL DEACON	
Ralph J. Tarsitano	6820 Seneca Rd
Marcia Tarsitano	6820 Seneca
Betty Jo Mooney	6733 Metro Park Drive
Andrew R. Hudacko	6776 Seneca Rd Mayfield Village, Ohio 44143
Andrea C. Hudacko	6776 Seneca Rd. Mayfield Village Ohio 44143

I support Brenda Bodnar's Comments

(opposing zoning and referendum amendments)

Name	Address
Barbara Eckerdt	680 Echo Dr
Barbara A. Smith	737 Sandalwood Dr.
Mary Gerber	6555 Derby Dr
Marilyn Finnie	6735 Sandalwood Dr.
Bill Coughlin	806 Hanover
Mary Ann Vilgers	958 Son Center Rd.
Virginia Lawley	6864 Hickory Hill Dr.

agreement:

JOANN ERICH
872 WORTON PARK DR

FRANK / MARY ANN SIRIANNI
800 Hardwood Ct.

ANTONIETTE CONTE
992 SOM Center

LARRY POLLACK
6726 WILSON MILLS

Wendy Gilmore-Pollack
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